

### **Remarks**

Claims 1, 3, 7 and 8 have been amended. Claims 2, 6, 9, 13-14 have been cancelled. Claims 1, 3-5, 7-8, and 10-12 remain in this application.

### **Claim Objections**

Claim 7 has been objected to under 37 CFR 1.75(c), as being of improper dependent for failing to further limit the subject matter of the previous claim.

Applicants have amended Claim 7 in proper dependent form. Claim 7 is dependent from claim 1.

### **Claim Rejections Under 35 U.S.C. §112**

Claim 8 has been rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended claim 8 to be dependent from claim 1.

### **Claim Rejections Under 35 U.S.C. §102**

The Examiner has rejected claims 1, 4-5, 7-8 and 10-12 under 35 U.S.C. §102(b) as being anticipated by EP 555503. It is the Examiner's position that EP 555503 teaches a composition identical to that set forth in the Applicant's claims; i.e., comprising pigment, alkyd stabilized acrylic dispersion, and solvent.

In light of the amendments that have been made to independent claim 1, the EP 555503 reference does not describe an ink composition comprising a pigment dispersion, and an alkyd-stabilized acrylic dispersion having a non-volatile materials content of greater than 85%, wherein the weight ratio of the alkyd-stabilized acrylic dispersion to the pigment dispersion is from about 45:55 to about 55:45. The elements of Applicants' claimed invention are neither taught nor suggested in the cited EP 555503 reference. Therefore, claims 1, 4-5, 7-8 and 10-12 are not

anticipated by the EP 555503 reference.

**Claim Rejections Under 35 U.S.C. 103**

Applicant's invention of utilizing an alkyd-stabilized acrylic dispersion having certain characteristics, in combination with a pigment dispersion, and only optional use of surfactants, provide for inks having excellent print quality. The alkyd-stabilized acrylic dispersions of Applicant's invention is not a typical "alkyd" as used in most ink compositions, but instead utilizes an acrylic core that is alkyd modified. Due to the versatility of Applicants' alkyd-stabilized acrylic dispersion, the number of ingredients typically utilized in an ink composition are minimized. As will be described below, there is no motivation to combine any of the cited references to provide Applicants' invention.

The Examiner has rejected claims 1, 7 and 10-12 under 35 U.S.C. 103(a) as being unpatentable over Nishikawa et al. in view of EP 555503. The Examiner asserts that it would have been obvious to one of ordinary skill in the art to use the dispersion in Nishikawa to arrive at the claimed invention.

Nishikawa discloses an ink composition comprising a pigment, an ink solvent, and a non-aqueous dispersion. The nonaqueous dispersion of Nishikawa is prepared by dissolving a resin in a hydrocarbon solvent-containing solvent having a boiling point of at least 170°C, thereby obtaining a solution and polymerizing at least one kind of vinyl monomer in the solution. The resin of Nishikawa is a modified resin, alkyd resin, or rosin-modified alkyd resins. Nishikawa does not teach or suggest utilizing an alkyd-stabilized acrylic dispersion (i.e., an acrylic core that is alkyd modified) as its resin. Nishikawa also does not teach or suggest utilizing a pigment dispersion; rather, Nishikawa teaches added dry pigment directly to the solution and kneading on a 3-roll mill. Further, Nishikawa does not teach nor suggest a alkyd-stabilized acrylic dispersion in combination with a pigment dispersion, in a relative weight ratio of 45:55 to about 55:45 for an ink composition. There is no motivation to combine Nishikawa with EP 555503 to arrive at the Applicant's claimed invention.

The Examiner has rejected claim 7 under 35 U.S.C. 103(a) as being unpatentable over

Wakimoto et.al in view of EP 555503. Wakimoto teaches only a pigment dispersion comprising an alkyd resin or a modified alkyd resin, and improving the solubility and dispersibility of dyestuffs. The pigment dispersion of Wakimoto is formed by polymerizing the copolymerizable unsaturated monomers in the presence of dyestuffs or dyestuff complex. The ink composition taught by Wakimoto is a rosin-modified phenol varnish and a pigment dispersion, in a ratio of 25:70. Wakimoto does not teach or suggest an alkyd-stabilized acrylic dispersion in combination with a pigment dispersion for an ink composition. There is no motivation in Wakimoto to utilize the alkyd modified acrylic dispersion of Applicants' invention.

The Examiner has rejected claims 3 and 7 under 35 U.S.C. 103(a) as being unpatentable over Amon in view of EP 555503 and Wakimoto et. al. The Examiner states that it would have been obvious to one of ordinary skill in the art to use a dispersion of viscosity as described in EP 555503 in Amon to produce ink with excellent dry time and thereby arrive at the claimed invention. Applicants traverse this rejection for the following reasons.

The Amon patent does not disclose Applicants' basic inventive concept of utilizing an alkyd stabilized acrylic dispersion having a non-volatile materials content of greater than 85%. In fact, Amon in view of EP 555503 does not disclose an ink composition that includes the elements of Applicants' claimed invention. Amon teaches the use of 10 to 80 parts of an oleoresinous ink binder in combination with 10 to 60 parts of a film forming macromolecular surfactant to form an ink base that is used for grinding of pigments and extenders. Applicants' invention utilizes pigment dispersions and only the optional use of surfactants due to the versatility of the alkyd-stabilized acrylic dispersion. Amon in combination with EP 555503 or Wakimoto neither suggest nor grant motivation to utilize Applicants' invention as an ink composition. Accordingly, claims 3 and 7 are nonobvious and patentable over Amon in view of EP 555503 and Wakimoto.

The particular features of Applicant's invention are not taught or in any way suggested by the cited references, taken individually or in combination. The combination of Nishikawa, Wakimoto, Amon with EP 555503 neither disclose nor suggest Applicants' invention. Accordingly, there is no motivation to combine these references to provide Applicant's claimed inventions.

Absent some teaching, suggestion, or incentive supporting the combination, obviousness

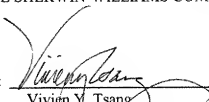
cannot be established by merely combining the teachings of the prior art to produce the claimed invention. Applicant contends there is no teaching, suggestion, nor incentive to combine the teachings of the cited references to show Applicant's claimed invention. It is equally well established that the prior art must provide a motivation or reason for one skilled in the art, without the benefit of Applicant's specification, to make the necessary changes in the reference. Teachings of the references may only be combined if there is some suggestion or incentive to do so. *In re Fritch*, 23 USPQ 2d 1780, 1783 (Fed. Cir. 1992). One skilled in the art would not have an incentive to combine the teachings of Nishikawa, Wakimoto, Amon or EP 555503 to provide an ink composition having the desired properties of Applicants' invention. The Examiner's combination of the cited references cannot, therefore, support a rejection of Applicants' claims based on obviousness. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §102 and 35 U.S.C. §103 is respectfully requested.

In light of the foregoing, reconsideration of claims 1, 3-5, 7-8, and 10-12 of this application is respectfully requested.

If there are any additional fees resulting from this communication, please charge the same to our Deposit Account No. 19-2025.

Respectfully submitted,

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